

VZCZCXYZ0000
PP RUEHWEB

DE RUEHBO #1879/01 1621919
ZNY CCCCC ZZH
P 111919Z JUN 09
FM AMEMBASSY BOGOTA
TO RUEHC/SECSTATE WASHDC PRIORITY 9152
INFO RUEHBR/AMEMBASSY BRASILIA PRIORITY 8965
RUEHCV/AMEMBASSY CARACAS PRIORITY 2326
RUEHLP/AMEMBASSY LA PAZ JUN 0166
RUEHPE/AMEMBASSY LIMA PRIORITY 7633
RUEHQT/AMEMBASSY QUITO PRIORITY 8332
RUEHMD/AMEMBASSY MADRID PRIORITY 0875
RHMFISS/CDR USSOUTHCOM MIAMI FL PRIORITY
RUEAIIA/CIA WASHDC PRIORITY
RUEAWJA/DEPT OF JUSTICE WASHDC PRIORITY
RUCNFB/FBI WASHINGTON DC PRIORITY
RHEHNSC/NSC WASHDC PRIORITY

C O N F I D E N T I A L BOGOTA 001879

SIPDIS

E.O. 12958: DECL: 11/28/2018
TAGS: [PGOV](#) [PREL](#) [PTER](#) [PHUM](#) [KJUS](#) [CO](#)
SUBJECT: BOTH SIDES UP THE ANTE IN EXECUTIVE-COURT FEUD

REF: A. 08BOGOTA3718
[1](#)B. 09BOGOTA1618

Classified By: Political Counselor John Creamer
Reasons 1.4 (b and d)

SUMMARY

[1](#)1. (C) The ongoing feud between the executive and judicial branches heated up in the wake of the Supreme Court's June 4 conviction of two former congressmen for accepting bribes from GOC officials to help President Uribe's first reelection initiative. The Casa de Narino responded on June 7 by releasing a communique stating that the Treasury's Financial Crimes Intelligence Unit had investigated suspicious transactions by some magistrates and urging the appropriate authorities to investigate. The Accusations Committee of Congress later said it would open investigations into one former and three current high court magistrates based on the financial report. Still, Prosecutor General (Fiscal General) Mario Iguaran said his office reviewed the files last year and found no criminal activity. Court officials and GOC critics called the GOC move a "smokescreen" aimed at deflecting attention from the conviction and the ongoing domestic spying scandal. The timetable for hearings in the committee is unclear. End Summary.

CONVICTION IMPLICATES URIBE ALLIES IN LAST REELECTION BID

[1](#)2. (U) The Supreme Court sentenced former Representative Teodolindo Avendano to eight years, and former Representative Ivan Diaz Mateus for six years on June 4, for accepting bribes to help amend the Constitution to allow President Uribe to stand for reelection in 2006. In its ruling, the Court accepted as fact that Uribe allies had paid Avendano 220 million Colombian pesos (about \$110,000 USD) in 2006 for his help in passing the law through Congress. Avendano had been critical of the reelection process but abstained from the Congressional vote, allowing the bill to pass. Diaz was convicted for convincing convicted former representative Yidis Medina to vote for the reelection bill in exchange for bribes.

[1](#)3. (U) In its decision, the Court also stated that Social Protection Minister Diego Palacio met with Avendano the day before the vote, and it ordered an investigation into presidential advisors Maria Claudia Salgado and Juan David Ortega for actions related to the bribes. Palacio publicly charged the Court with "playing politics" and of being in

"opposition" to the administration. The Supreme Court noted Palacio's similar role in Medina's June 2008 bribery conviction, in which she alleged Palacio and other officials had arranged for plum jobs for her supporters in exchange for her vote to change the Constitution. Palacio tried--unsuccessfully--last October to have the allegation stricken from the ruling, contending it violated his right to a presumption of innocence (ref A).

GOC COMMUNIQUE SUGGESTS
FINANCIAL IMPROPRIETY BY MAGISTRATES

¶4. (U) The Casa de Narino responded by releasing a communique on June 7 stating that the UIAF (the GOC's financial intelligence unit) had investigated some magistrates for suspicious financial activity and urging the appropriate authorities to investigate. The Accusations Committee of Congress later said it would investigate one former and three current high court magistrates based on accusations of financial wrongdoing. The Fiscalia forwarded the UIAF report on alleged suspicious financial activities by Rafael Ostau de la Font (President of the Council of State), Jose Alfredo Escobar (Superior Council of the Judiciary magistrate), Yesid Ramirez Bastidas (Supreme Court magistrate) and Carlos Isaac Nader (a former Supreme Court magistrate) to the Accusations Committee on June 9. Media reports said the documents suggest the four may have given checks and cash to narcotrafficking-affiliated businessman Ascensio Reyes, which led the authorities to suspect possible money-laundering.

¶5. (C) Ramirez first came under DAS scrutiny for a 2006 banquet that Reyes--who reportedly has ties to former paramilitary Salvatore Mancuso--held for Ramirez. Former DAS chief Andres Penate told us in May that former senior Uribe advisor Jose Obdulio Gaviria and Secretary of the Presidency Bernardo Moreno used the banquet to justify the DAS investigation of numerous magistrates and their families due to their "obsession" that the Court was involved in a plot with former paramilitaries to undermine Uribe. Nader told the press he had represented his sister in a real estate transaction with Reyes, but had no other connection, while Ostau de la Font said he had met Reyes before he had come under criminal suspicion. Prosecutor General (Fiscal General) Mario Iguaran told the press on June 10 that his office had received the UIAF files in September 2008--several months after they had been leaked to the media--and had found no evidence of wrongdoing. Hence, it had not forwarded the information to the Accusations Committee.

NO CLARITY ON TIMING, JURISDICTION

¶6. (U) Supreme Court President Augusto Ibanez told the press the UIAF files showed the magistrates' innocence. He said Reyes had been cleared, adding that he wants the Committee to investigate so the judges' names can be cleared. The accusations, he said, were a "smokescreen" and proved the GOC had--once again--investigated magistrates without proper judicial orders. Constitutional Court President Nelson Pinilla also told reporters that the proper authorities had not authorized the surveillance in the first place. Former President Cesar Gaviria accused the GOC of using the accusations to justify illegal surveillance by the Department of Administrative Security (DAS). Maria Mercedes Lopez, president of the Interinstitutional Commission of the Judicial Branch (ICJB)--composed of the leaders of the four top courts--questioned the UIAF's jurisdiction and reiterated the ICJB's May 20 demand for a substantive update on the GOC's investigation into the illegal surveillance of Supreme Court magistrates.

¶7. (U) Meanwhile, Accusations Committee President Committee President Jose Gerardo Piamba (Conservative) told the press he had not yet seen the documents, but that the first step in the process was to verify the legality of the information the UIAF had provided. Piamba added that he was considering naming a triumvirate of representatives to do the verification, after which an investigation could begin. The hearings in the Accusations Committee rarely yield

substantive conclusions.

Brownfield